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10/661,095	09/12/2003	Richard E. Rowe	IGT1P063X1/P-575CIP	6585
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BEYER WEAVER LLP			HALL, ARTHUR O	
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Please find below and/or attached an Office communication concerning this application or proceeding:

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,095	ROWE, RICHARD E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arthur O. Hall	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)               |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/2004; 1/21/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application     |
|   | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 2/14/2005</u> . |

## DETAILED ACTION

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/25/2004, 1/21/2005, and 2/14/2005 has been acknowledged by the examiner.

### ***Claim Objections***

Claim 15 is objected to because of the following informalities: The claim recites in line 7 on page 25 a "," after "promotional device" when an ";and" is necessary to make the grammar of the sentence correct. The claim also recites in line 13 on page 25 a "," after "gaming machine" without a conjunctive "and" to make the grammar of the sentence correct. Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 and 13-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5-10, 12-13 and 16-17, respectively, of Rowe et al. (U.S. Patent No. 6,969,319; hereinafter Rowe). Although the conflicting claims are not identical, they are not patentably distinct from each other because every element of claims 1-10 and 13-14 are found in claims 1-2, 5-10, 12-13 and 16-17, respectively, in the disclosure of Rowe.

Claims 1-2, 5-10, 12-13 and 16-17 of Rowe discloses every limitation of claims 1-10 and 13-14 of Application No. 10/661,095 with the exception of substantially reciting that the promotional device is associated with a specific player. However, Rowe discloses that the cashless instrument or ticket voucher or promotional device contains information about the ticket owner or specific player for registering credits (column 3, lines 10-17, Rowe).

Hence, it would have been obvious to one having ordinary skill in the art to modify claims 1-2, 5-10, 12-13 and 16-17 of Rowe to provide a specific player associated with the game-specific credit as recited in claims 1-10 and 13-14, respectively, of Application No. 10/661,095.

The following claim chart shows the claim-to-claim comparison between both the application and patent:

10/661,095	6,969,319
<b>Claim 1:</b> A promotional device for effecting operation of a specific gaming application on a gaming machine that is in communication with the promotional	<b>Claim 1:</b> A promotional device having indicia of game-specific credit associated therewith for effecting operation of game code corresponding to a specific game on

<p>device, the promotional device having associated therewith (the gaming application is a game)</p> <p>indicia of credit and</p> <p>a specific player to which operation of the specific gaming application and application of the credit is limited (the specific player is associated with the game-specific credit that relates to the specific game or game application).</p> <p><b>Claim 2:</b> The promotional device of claim 1 further comprising visual elements on the promotional device representing the specific gaming application.</p> <p><b>Claim 3:</b> The promotional device of, claim 1 wherein the promotional device is a printed ticket and wherein the indicia of credit is associated with a bar code on the printed ticket.</p> <p><b>Claim 4:</b> The promotional device of claim 3 wherein the bar code also identifies the specific gaming application.</p> <p><b>Claim 5:</b> The promotional device of claim 1 wherein the promotional device is a card having magnetic information stored therein which includes the credit.</p> <p><b>Claim 6:</b> The promotional device of claim 5 wherein the magnetic information also identifies the specific gaming application.</p> <p><b>Claim 7:</b> The promotional device of</p>	<p>a gaming machine which is in communication with the promotional device, the promotional device having machine-readable information encoded therein which both identifies</p> <p>the indicia of game-specific credit and</p> <p>relates the game-specific credit to the specific game, the gaming machine being operable to employ the machine-readable information to identify the specific game and limit use of the game-specific credit thereto.</p> <p><b>Claim 2:</b> The promotional device of claim 1 further comprising visual elements on the promotional device representing the specific game.</p> <p><b>Claim 5:</b> The promotional device of claim 1 wherein the promotional device comprises a printed ticket and wherein the indicia of credit comprises a bar code on the printed ticket.</p> <p><b>Claim 6:</b> The promotional device of claim 5 wherein the bar code also identifies the specific game.</p> <p><b>Claim 7:</b> The promotional device of claim 1 wherein the promotional device comprises a card having magnetic information stored therein which includes the indicia of credit.</p> <p><b>Claim 8:</b> The promotional device of claim 7 wherein the magnetic information also identifies the specific game.</p> <p><b>Claim 9:</b> The promotional device of claim</p>
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claim 1 wherein the promotional device is a card having a memory embedded therein which stores information corresponding to the credit.	1 wherein the promotional device comprises a card having a memory embedded therein which stores information corresponding to the indicia of credit.
<b>Claim 8:</b> The promotional device of claim 7 wherein the information identifies the specific gaming application.	<b>Claim 10:</b> The promotional device of claim 9 wherein the information identifies the specific game.
<b>Claim 9:</b> The promotional device of claim 1 wherein the gaming machine is part of a gaming network that includes a remote storage device, at least part of the credit being stored in the remote storage device.	<b>Claim 12:</b> The promotional device of claim 1 wherein the gaming machine is part of a gaming network which includes a remote storage device, at least part of the indicia of credit being stored in the remote storage device.
<b>Claim 10:</b> The promotional device of claim 9 wherein the promotional device identifies the specific player and the part of the credit stored in the remote storage device that is associated with the specific player.	<b>Claim 13:</b> The promotional device of claim 12 wherein the promotional device identifies a user, the part of the indicia of credit stored in the remote storage device being associated with the user.
<b>Claim 13:</b> The promotional device of claim 1 wherein the promotional device further comprises a wireless transmitter for communicating with the gaming machine.	<b>Claim 16:</b> The promotional device of claim 1 wherein the promotional device further comprises a wireless transmitter for communicating with the gaming machine.
<b>Claim 14:</b> The promotional device of claim 1 further configured to identify a gaming venue in which the promotional device may be employed (a gaming venue is at least one gaming venue).	<b>Claim 17:</b> The promotional device of claim 1 further configured to identify at least one gaming venue in which the promotional device may be employed.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20-22 recite the limitation "The method of" in lines 13, 16 and 21 respectively on page 26; however, these claims depend from an apparatus recited in claim 19 as "The gaming machine." There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, 12, 14-15, 26, 37 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarbin et al. (US Patent 5,179,517; hereinafter Sarbin). Figures are described with reference characters where necessary for clarity.

Regarding claim 1,

a promotional device for effecting operation of a specific gaming application on a gaming machine that is in communication with the promotional device, the promotional device having associated therewith indicia of credit and a specific player to which operation of the specific gaming application and application of the credit is limited (column 4, lines 19-26, column 5, lines 29-38, column 5, line 60 to column 6, line 15, column 6, lines 37-58, Fig. 1, 10 and Fig. 2, 20, Sarbin; a card or promotional device

operates a specific game for a specific player and credit in connection with a gaming machine).

Regarding claim 15,

a gaming machine (column 3, lines 36-41, Sarbin), comprising:  
circuitry for receiving data from a promotional device (column 4, lines 26-37 and Fig. 3, 42, Sarbin),

wherein the data includes player identification information for a specific player associated with the promotional device (column 5, lines 39-49, Sarbin),

wherein the data further includes or is used to access an indicia of credit associated with the promotional device and information about a specific gaming application on the gaming machine to which the promotional device and the credit is limited (column 5, line 60 to column 6, line 15 and column 6, lines 37-56, Sarbin; the data is credit information and represents game play for the specific machine being played); and

a processor configured to (column 4, lines 38-50, Sarbin):

determine whether the specific gaming application is associated with the gaming machine (column 7, lines 8-26, Sarbin; processor determines games being played on the gaming machines and when the games are being played),

authenticate the specific player associated with the promotional device (column 7, lines 28-54, Sarbin; player data is verified from the card or promotional device).

Regarding claim 26, the scope of the claim is substantially the same as claim 15 above with the only difference being that claim 15 is an apparatus claim and claim 26 is a process claim.

Art Unit: 3709

Regarding claim 5, the promotional device is a card having magnetic information stored therein which includes the credit (column 1, lines 30-38, Sarbin; cards storing magnetic information including credit or other player accounting information is known).

Regarding claim 6, the magnetic information also identifies the specific gaming application (column 1, lines 30-38, Sarbin; magnetic cards enable players to play a specific game).

Regarding claim 7, the promotional device is a card having a memory embedded therein which stores information corresponding to the credit (column 5, lines 29-38 and column 5, line 60 to column 6, line 15, Sarbin).

Regarding claim 8, the information identifies the specific gaming application (column 6, lines 37-56, Sarbin).

Regarding claim 12, the promotional device is configured to be inserted into the gaming machine to facilitate communication with the gaming machine (column 4, lines 19-28, Sarbin).

Regarding claims 14 and 39, the promotional device is configured to identify a gaming venue in which the promotional device may be employed (column 5, lines 55-59, Sarbin; identification of a casino or venue is disclosed).

Regarding claim 37, communicating with the promotional device comprises receiving the promotional device in a receptacle associated with the gaming machine is disclosed (column 4, lines 26-37 and Fig. 3, 44 and 42, Sarbin; a read/write circuit and slot are provided for receiving the card or promotional device).

Art Unit: 3709

Regarding claim 40, the at least one gaming venue comprises multiple related gaming venues (column 5, lines 55-59, Sarbin; location of an issuing system for a particular casino is provided).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16-25 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin in view of Saunders et al. (US Patent 6,340,331; hereinafter Saunders). Figures are described with reference characters where necessary for clarity.

Sarbin substantially teaches all features of the claimed invention as described above.

However, Sarbin does not substantially teach particular features for enabling operation of the game and database features as claimed. Therefore, attention is directed to Saunders, which teaches

Regarding claims 16 and 27, the processor is further configured to enable operation of the gaming application in accordance with the credit if the specific gaming application is associated with the gaming machine and if the identity of the specific player is authenticated (column 6, lines 16-24, column 6, line 64 to column 7, line 53, Saunders; the microprocessor allows the game to be started by the player when gaming machine authorizes the ticket of the specific player for the specific game to be played on the gaming machines).

Saunders suggests that a device that provides a player with a form of money similar to tokens will give the player a feeling of winning something from a particular gaming that they may go to another machine and play another game or cash-out at a cashier (column 1, lines 62-67, Saunders).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Sarbin in view of the teachings of Saunders for the purpose of providing the gaming device of Saunders having promotional card and gaming machine features that are interchangeable with or upgradeable to features of Saunders that enable operation of the game in order to give a player a winning feeling from a particular game played so that they may either continue to other gaming machines for game play or cash-out with a cashier.

Art Unit: 3709

Regarding claims 17 and 30, the processor is configured to authenticate the specific player by determining whether the player identification information associated with the promotional device is consistent with a secondary form of player identification presented to the gaming machine (column 6, lines 16-24, column 7, lines 54-62 and column 8, lines 6-21 and Fig. 6, 200E and 660, Saunders; a ticket or promotional device and player card or secondary form, both containing player identification information, are compared relative to data on the gaming machine or central computer to authenticate the specific player).

Regarding claims 18 and 31, the secondary form of player identification presented to the gaming machine is a player tracking card, biometric information, a PIN number, a driver's license, a smart card, a credit card, a wireless device, or a combination thereof (column 6, lines 16-24, Saunders; the player card is a player tracking card and all other features are obvious variants thereof).

Regarding claims 19 and 32, the indicia of credit associated with the promotional device and information about the specific gaming application on the gaming machine to which the promotional device and the credit is limited is stored in a first database, and wherein information associated with the secondary form of player identification is stored in a second database (column 7, lines 1-10, column 7, lines 54-62 and column 8, lines 6-21, Saunders; the information or data for both the ticket and player card is stored in respective memory and separately delivered to a gaming machine or central computer that inherently have a database since a database is required for a computer to manage storing and calculation of data or numbers).

Regarding claims 20 and 33, the first database and the second database are the same (column 6, lines 44-63, column 7, lines 1-10, column 7, lines 54-62 and column 8, lines 6-21, Saunders; the information for the ticket and player card are stored to a database in which it would have been obvious to manage the information separately or combined since management of data is a common programming technique).

Regarding claims 21 and 34, the player identification information stored in the first database is accessible using information from the promotional device, and wherein the information associated with the secondary form of player identification stored in the second database is accessible using information from the secondary form of player identification (column 7, lines 11-53 and column 8, lines 5-20, Saunders; the ticket and player card both allow access to player identification information in a database separately since authentication is independently performed).

Regarding claim 22, the first database and second database are accessible using a player tracking account number (column 8, lines 20-35, Saunders; a player tracking account number or PIN number is disclosed).

Regarding claim 23, the gaming machine is part of a gaming network which includes a remote storage device, at least part of the credit being stored in the remote storage device (column 6, lines 45-63, column 7, lines 1-10 and column 7, lines 54-62 and Fig. 7, 710, Saunders; the gaming machine communicates via an interconnection or network with a central computer to store credit or ticket information to memory).

Regarding claim 24, the circuitry comprises one of a magnetic card reader, a bar code reader, and a wireless receiver (column 5, lines 1-14, Saunders; a barcode reader or scanner is disclosed).

Regarding claim 25, the player identification information is a player tracking account number (column 8, lines 6-35, Saunders; the player ID information is a player PIN or player tracking account number).

Regarding claim 28, disabling operation of the specific gaming application on the gaming machine and refusing to apply the credit toward the specific gaming application

Art Unit: 3709

if the specific player is not authenticated is disclosed (column 8, lines 21-35, Saunders; if the player PIN is incorrect, the ticket is not validated for credit).

Regarding claim 29, disabling operation of the specific gaming application on the gaming machine and refusing to apply the credit toward the specific gaming application if the specific gaming application is not associated with the gaming machine is disclosed (column 8, lines 6-20, Saunders; if the information on the player card that is inserted into a gaming machine does not correspond to information printed in the bar code, the game is considered not associated with the gaming machine since game play on the specific gaming machine cannot be verified for the specific player's credit).

Regarding claim 35, the gaming machine is part of a gaming network having at least one gaming server associated therewith, and wherein enabling operation of the specific gaming application comprises employing objects associated with the specific gaming application distributed among the gaming machine and the at least one gaming server (column 6, lines 44-63, Saunders; objects or credit associated with the specific game are distributed across the gaming machine and central server).

Regarding claim 36, the network is one of a local area network and a wide area network (column 6, lines 44-63, Saunders; the interconnection between the gaming machine and central computer is a standard local area network since the interconnection is contained within a casino space).

Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin in view of Luciano et al. (US Patent 6,500,067; hereinafter Luciano).

Figures are described with reference characters where necessary for clarity.

Sarbin substantially teaches all features of the claimed invention as described above.

However, Sarbin does not substantially teach visual elements and barcode features as claimed. Therefore, attention is directed to Luciano, which teaches

Regarding claim 2, visual elements on the promotional device representing the specific gaming application are disclosed (column 4, line 66 to column 5, line 6 and Fig. 6, 50, Luciano; visual elements such as issuing device are shown).

Luciano suggests that a ticket or voucher system that is flexible so as to provide awards and credit through the voucher system will provide casino's with the ability to create excitement in the gaming environment and stimulate further game play (column 1, lines 29-38, Luciano).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Sarbin in view of the teachings of Luciano for the purpose of providing the gaming device of Sarbin having ticket and gaming machine features that are interchangeable with or upgradeable to the visual elements and barcode features of Luciano in order to provide a flexible voucher system with award and credit capabilities that will generate excitement in the gaming environment and stimulate further game play.

Regarding claim 3, the promotional device is a printed ticket and wherein the indicia of credit is associated with a bar code on the printed ticket (column 4, line 66 to column 5, line 6 and Fig. 6, 50 and 51, Luciano; the amount or credit of the ticket is associated with a bar code).

Art Unit: 3709

Regarding claim 4, the bar code also identifies the specific gaming application (column 5, lines 7-21, Luciano; the barcode contains information for authentication so that the player may play the particular game that is validated).

Regarding claim 9, the gaming machine is part of a gaming network that includes a remote storage device, at least part of the credit being stored in the remote storage device (column 4, lines 1-18 and column 5, lines 22-42, Luciano; a database on the Player Account Server or PAS stores credit information over the network for a voucher or ticket to be used to play games on gaming machines connected to the network).

Regarding claim 10, the promotional device identifies the specific player and the part of the credit stored in the remote storage device that is associated with the specific player (column 4, lines 1-18 and column 5, lines 22-42, Luciano; amount of value and player identifying data is stored in the database of the PAS).

Regarding claim 11, information including the specific gaming application, specific player, and indicia of credit associated with the promotional device is stored in at least one database, and wherein the at least one database is accessible with player identification information stored on the promotional device (column 4, lines 1-18 and column 5, lines 22-42, Luciano).

Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin in view of Mish (US Patent 6,254,006). Figures are described with reference characters where necessary for clarity.

Sarbin substantially teaches all features of the claimed invention as described above.

However, Sarbin does not substantially teach wireless features as claimed.

Therefore, attention is directed to Mish, which teaches

Regarding claims 13 and 38, the promotional device further comprises a wireless transmitter for communicating with the gaming machine by receiving a wireless transmission from the promotional device (column 1, lines 29-37, column 3; lines 11-25 and column 4, line 65 to column 5, line 15, Mish; a wireless device is taught that is used with gaming machines).

Mish suggests that a device that provides wireless communication in a product that can be transported by or on a person without reduced electrical power performance will enhance at least the gaming environment by providing wireless connectivity in currently available compact smart cards (column 1, line 63 to column 2, line 16, Mish).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Sarbin in view of the teachings of Mish for the purpose of providing the gaming device of Sarbin having ticket or voucher or card features that are interchangeable with or upgradeable to the wireless features of Mish in order to provide wireless connectivity in the currently available compact smart card devices that can be carried by or on a person.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron (US Patent 4,764,666).

Regarding claim 41, a promotional device for effecting operation of a specific gaming application on a gaming site via the Internet, the promotional device having associated therewith indicia of credit and a specific player to which operation of the specific gaming application and application of the credit is limited (column 6, line 29 to column 7, line 31, Bergeron; the cards or promotional devices contain indicia of credit effecting the operation of at least one specific gaming application on an on-line gaming device, wherein the promotional device identifies the specific gaming application and limits the use thereto).

Bergeron teaches or suggests an on-line wagering system with programmable game entry cards for solving a common problem of validating the credit of a specific player utilizing a specific gaming machine (column 2, lines 20-53, Bergeron).

Thus, while Bergeron is silent with regard to the disclosed online connection being an Internet site, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Bergeron in view of the knowledge of one having ordinary skill in the art at the time of invention to utilize an internet site in the system of Bergeron in order to provide a controlled application that does not require a specialized telecommunications network and is more readily available.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

E US-4,764,666, Bergeron

F US-6,547,664 B2, Saunders

G US-6,511,377 B1, Weiss

H US-6,227,972 B1, Walker et al.

I US-2002/0047044 A1, Orus et al.

J US-5,417,424, Snowden et al.

K US-5,276,312, McCarthy

L US-5,069,453 Koza et al.

M US-6,086,477, Walker et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH  
6/23/2007



GARY JACKSON  
**SUPERVISORY PATENT EXAMINER**

